

Remarks

Claims 1, 3, 5, 7, 9, and 11-64 are the subject of the pending Official Action.

It is noted that claims 1, 3, 5, 7, 9, 11-19 and 64 are allowed.

It is respectfully requested that this amendment, amending claims 20-29 and 42-51, and cancelling claims 30-41 and 52-59 be entered.

The Examiner maintains the rejection of claims 30-35 and 52-55 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

The Examiner has taken the position that there is no antecedent basis for dementia, cancer and inflammation in these claims because claim 24 refers to diseases in which insulin resistance is the underlying pathophysiological mechanism. The Examiner states that "Applicants have not asserted and it is not art recognized that the three rejected diseases are so mechanistically related."

This statement is incorrect. In the previous responses, applicants discussed and provided a number of references which established the relationship between insulin resistance and dementia, cancer and inflammation. Applicants maintain that the compounds of formula I and compositions thereof can be used to treat dementia, cancer and inflammation. However, to expedite prosecution direct reference to treatment of dementia, cancer and inflammation have been deleted from the claims. Applicants preserve all rights, without prejudice, to file one or more divisional or continuation applications for any subject matter disclosed in this application and not presently claimed including but limited to the use of the compounds of formula I or compositions thereof to treat dementia, cancer and inflammation. It is maintained that the specification is definite and enabling as to the treatment of cancer, dementia and inflammation.

The Examiner has rejected claims 20-63 under 35 USC 112, first paragraph. Applicants respectfully traverse this rejection.

The Examiner states that these claims are enabling for type II diabetes, insulin resistance and hypercholesteremia. Applicants have shown that the diseases and conditions defined in claims 20-63 are linked to type II diabetes, insulin resistance and hypercholesteremia and thus one skilled in the art could treat these conditions without undue experimentation. Applicants again reiterate that the claims as examined by the Examiner are enabled by the specification but in an effort to expedite prosecution, it is respectfully requested that the claims be amended as set out above.

It has also been shown by the data in the application and the references supplied previously that the compounds and compositions of this invention can be used for the treatment of hyperlipidemia and for reducing plasma glucose,

triglycerides, total cholesterol, LDL, VLDL or free fatty acids or increasing HDL in the plasm. The Examiner's attention is drawn, *inter alia*, to pages 36-42 of the application which includes data on reduction of cholesterol, LDL, VLDL, triglycerides and increase of HDL.

Again, applicants preserve all rights, without prejudice, to file one or more divisional or continuation applications for any subject matter disclosed in this application and not presently claimed.

The subject matter of treatment of type II diabetes which was found in dependent claims 30-35 has been incorporated into claims 24-29 because it is a disease in which insulin resistance is an underlying pathophysiological mechanism.

Applicants respectfully request that the rejections be withdrawn.

Accordingly, applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janet I. Cord', is written over a horizontal line. The signature is stylized with a large, sweeping loop at the end.

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